

MEMO ENDORSED

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October 18, 2023

VIA ECF

Honorable Victoria Reznick
United States Magistrate Judge
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: Rosario, et al., v. Community Housing Management Corp., et al.
Case No.: 7:22-cv-9855 (CS)
Saintil, et al. v. Community Housing Management Corp., et al.
Case No.: 7:22-cv-9857 (CS)

Application to amend the due dates in the anticipated Motion to Amend

Dear Judge Reznick:

We represent plaintiffs in the above captioned matters and write with respect to the upcoming due dates in the anticipated Motion to Amend plaintiffs' respective Complaints. The due dates previously Ordered in this matter were set forth as follows:

October 23, 2023 – due date for plaintiffs' Motion to Amend;
November 13, 2023 – due date for defendants' Opposition;
December 4, 2023 - due date for plaintiffs' Reply.

Said dates were originally premised on plaintiffs filing an Amended Complaint, followed by FRCP 12(b)(6) Motion practice. This was detailed in our letter to the Court on September 27, 2023, in which, as explained therein, we requested that the Motion to Amend, as opposed to pleading filing, followed by Rule 12 motion practice, occur. However, notwithstanding the more significant preparation to file a Motion to Amend (including proposed Amended Complaint) as opposed to filing an Amended Complaint, the dates were not adjusted. As a result, plaintiffs

recently connected with the Madison defendants, represented by Noah H. Bunzl, Esq., against which the lions' share of the Motion would be brought, and Madison defendants agreed to the following briefing schedule:

November 3, 2023 – due date for plaintiffs' Motion to Amend;
November 30, 2023 – due date for defendants' Opposition;
December 15, 2023 – due date for plaintiffs' Reply.

We respectfully request the Court So Order the above briefing schedule for the anticipated Motion to Amend. The CHMC defendants, who are represented by Bhavleen Sabharwal, Esq., have not yet consented and, instead, provided inconsistent positions (first consenting, and then not consenting, on account of peculiar grounds which have no bearing on the above sought briefing schedule). Nevertheless, we request the Court So Order as requested above with the consent of the Madison defendants.

Thank you for the Court's kind consideration herein.

Respectfully submitted,

GRECO LAW FIRM, P.C.

By: s/Marc W. Garbar
Marc W. Garbar

cc. all counsel of record via ECF

The Court is in receipt of Plaintiffs' Letter Motion, requesting an extension of time to file their Motion to Amend. (S.D.N.Y. 22-cv-9855, ECF No. 96; S.D.N.Y. 22-cv-9857, ECF No. 93). The Court is also in receipt of the parties' ensuing filings. (See S.D.N.Y. 22-cv-9855, ECF Nos. 97, 98, 99; S.D.N.Y. 22-cv-9857, ECF No. 94, 95, 96). The "CMHC Defendants" oppose Plaintiffs' request, arguing that the "request only demonstrates further delay tactics employed by Plaintiffs in order to avoid meeting the obligations imposed by this Honorable Court." The CMHC Defendants further request that if the Court is inclined to grant Plaintiffs' request, then the CMHC Defendants request the opportunity to discuss their objection during the November 1, 2023, Status Conference. Upon due consideration, it is hereby **ORDERED** that Plaintiffs' request for an extension is **GRANTED**. The Court does not believe that Plaintiffs' extension request of approximately ten days amounts to a significant delay. Moreover, delaying consideration of Plaintiffs' request until the November 1, 2023, Status Conference would effectively moot the issue and effectively grant Plaintiffs' request. Accordingly, Plaintiffs' Motion to Amend is due on November 3, 2023. Defendants' opposition is due on November 30, 2023. Plaintiffs' reply, if any, is due on December 15, 2023.

APPLICATION GRANTED



Dated: October 19, 2023 Hon. Victoria Reznik, U.S.M.J.